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Dennis Cyrus, Jr.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-05-00324 MMC
Plaintiff,	)	
v.	)	STIPULATION AND <del>PROPOSED</del>
DENNIS CYRUS, JR.	)	ORDER SUPPLEMENTING THE
Defendants.	)	RECORD
	)	(Fed. R. App. P. 10(e)(2))

The parties respectfully request to supplement the record by adding a transcript of those portions of a video of an interview of witness Darryl McQuillion on September 14, 2002. The video portions were shown to the jury on April 8, 2009 and April 9, 2009. Volumes 38 RT 7710:20, 38 RT 7710:23; 38 RT 7710:25; 38 RT 7711:2; 38 RT 7711:4; 39 RT 7797:21 (government redirect). However, the video excerpts were not introduced or admitted as exhibits and no transcript was entered into the record.

1  
2 Accordingly, the parties stipulate that the transcript attached hereto as  
3 Exhibit A shall be included in the record. The parties further stipulate that the  
4 CD-Rom (Exhibit B) containing copies of the actual video clips and text shown to  
5 the jury shall be delivered to the clerk and included in the record.

6  
7 IT IS SO STIPULATED.

8  
9 Dated: September 7, 2011

/s/ Amitai Schwartz  
Amitai Schwartz  
Attorney for Defendant  
Dennis Cyrus, Jr.

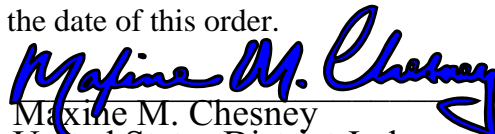
10  
11  
12 Dated: September 14, 2011

/s/ Barbara J. Valliere  
Barbara J. Valliere  
Assistant U.S. Attorney  
Chief, Appellate Division  
Attorney for the Plaintiff  
United States of America

13  
14  
15  
16  
17 ORDER

18 IT IS SO ORDERED. Plaintiff is DIRECTED to provide the above-referenced CD-Rom to  
19 the Clerk, no later than five court days from the date of this order.

20 Dated: September 15, 2011

  
Maxine M. Chesney  
United States District Judge

# EXHIBIT A

1                   Exhibit A to Stipulation and Order Supplementing the Record

2  
3                   [Clip One]

4           (Unintelligible.) Testing: One, two, (unintelligible).

5           Today's date is September 14, year 2002. Current time is 10:22 hours. I'm  
6 in Kansas City, Missouri Police Department and I'm talking to Darryl McQuillion  
7 regarding Case No. 021203429.

8           Q. Darryl, give me your full name, spell your last, and then give me your  
9 date of birth.

10          A. Darryl McQuillion. M-c-Q-u-i-l-l-i-o-n. 9-12-84, birth.

11  
12                   [Clip Two]

13          A. the door, played the game. Me and her was just chillin'.

14          Q. Mm-hmm.

15          A. He come in the next morning with a - - like around 1:00 or 12:00 with  
16 a newspaper clip. (Unintelligible) he was like wake - - wake up. At first I was  
17 like no, man.

18          Q. Mm-hmm.

19          A. Wake me up. Like, look. Well, I ain't putting nothing together like  
20 all the time.

21          Q. Right. So he showed you the newspaper. And what happened next?

22          A. I looked at him. Then he left. I was still chillin' all day.

23          Q. Did he talk to you about the newspaper article?

24          A. (Unintelligible.) He was like (unintelligible).

25          Q. But I need to - - we need to go over it. That's why I'm here, okay?  
26 So all right. So he shows you - - he comes into your room, he shows you - -

27          A. Newspaper. I'm like what happened? Like man, Little Ray. I said - -  
28 that happened last night? He was like yeah. I like - - he was like, man, had to do  
my thing and some stuff like that. But I wasn't actually - - I wasn't believing it

1 'cause I was like what problems do he got with - - that supposed to be my cousin.  
2 I'm like that was my cousin, man. He's like I don't give a fuck, man, if that was  
3 your cousin.  
4 (Unintelligible) and then I started looking at him like up and down.  
5 Then he had some blood. I said that's why blood be on the shoe?  
6  
7 (PAUSE)  
8 [Clip Three]  
9 off. He wanted to go wipe it off real quick.  
10 (PAUSE)  
11 [Clip Four]  
12 Q. Let me take you back a little bit, okay?  
13 A. (Unintelligible.)  
14 Q. Yeah, you do.  
15 Okay. Back to the newspaper article. He showed you the newspaper  
16 article.  
17 A. The one that was like key witness killed or something. I read that.  
18 Q. Did he - - in our conversation yesterday you said that he said  
19 something to you that he got - he got another one.  
20 A. That's what I just said. He - - that's what I just said.  
21 Q. I didn't hear you say that.  
22 A. He said I got another one, man. But I don't know what he was - - I  
23 don't know what he mean by that.  
24 Q. Mm-hmm.  
25 A. I got another one.  
26 Q. Mm-hmm.  
27 A. I was just like okay.  
28 Q. So what else did he say after that?

1           A.     He just made it real brief. Like I got another one, “woo, woo,” real  
2 quick stuff like. Bam. Not just oh, man, explaining stuff like, just like a show-off.  
3 I never (unintelligible) --

4           Q.     Did he te- -- did he tell you how it went down?

5           A.     (Unintelligible.) Oh, yeah. He said, uh, I think - - see, I put it  
6 yesterday (unintelligible) on the Greyhound really started letting it out like.

7           Q.     Mm-hmm.

8           A.     (Unintelligible) far away is like, man, I walked up to the nigga. I said  
9 - - I said what you do, man? ‘Cause I really didn’t believe (unintelligible).

10          Q.     Mm-hmm.

11          A.     I pulled Craig G out the way and I “blow, blow,” man, I give him two  
12 (unintelligible).

13          Q.     And Craig G, what’s his real name?

14          A.     (Unintelligible.) I just know the nickname.

15          Q.     Would you know him if you saw him.

16          A.     Yeah.

17          Q.     Okay. Let me show you a picture.

18          A.     Never knew his real name.

19          Q.     Okay. But you know him. You ever see him drive the - - driving  
20 around or anything like that?

21          A.     Yeah, I see him drive around. That’s all I see him do.

22          Q.     What do - - what do - - when you see - - what kind of car does he  
23 drive?

24          A.     Umm, I seen him with a little bucket before.

25          Q.     Is this Craig?

26          A.     Yeah. That’s the one he was huggin’.

27          Q.     Okay. That’s the one he said he was huggin’?

28          A.     Yeah.

1 Q. Okay. And you know him as Craig G?

2 A. I know I just - - (unintelligible) I just know they nickname, you know

3 that.

4 Q. But you know him as Craig G.

5 A. Yeah.

6 Q. Okay.

7 And just as - - just a matter of record, that was a mug shot of - -

8 A. (Unintelligible.)

9 Q. We'll do that later.

10 A. (Unintelligible.)

11 Q. That was a mug shot of San Francisco number 508148. And that's of

12 Craig Womble.

13 Okay. So he's - - so he was telling you this on the bus, in other

14 words.

15 A. Yeah. Like on the way he really started letting it out like.

16 Q. Okay. So when - - when did he start telling you this? When you-all

17 first left?

18 A. Not when we first left. That was after a long while like on the bus.

19 After a minute.

20 Q. Okay.

21 A. Like Wyom - - like boy, he got - - he start feeling comfortable I

22 notice.

23 Q. Yeah, yeah.

24 A. All of a sudden he started getting loo - - at first he was all tense, like

25 sitting over there biting his nails. I knew something was weird like.

26 Q. Mm-hmm.

27 A. I'm thinking the whole time like (unintelligible) really get on and

28 shakin'.

1 Q. Mm-hmm.

2 A. He's sitting there biting his nails and stuff. We get like - - boy gets  
3 happy and like all loose and stuff.

4 Q. Hmm.

5 A. That's when we get like to Kentucky and the police - - he loose now.  
6 (Unintelligible) he ain't saying nothing like.

7 Q. So - - so what - - when he started telling you about this again, what -  
8 - tell me what he said. What do you remember him telling you?

9 A. He said he (unintelligible) - - you know, it's street talk.  
10 (Unintelligible) I had to (unintelligible). That's all he was saying. He kept it brief  
11 like not explaining the whole thing, how it went down.

12 Q. But he felt more comfortable telling you more - - more informa- - - he  
13 gave you more information.

14 A. Nah. He just kept it brief like. 'Cause you know how street people  
15 do. They don't talk like oh, man, I did this and who did this and he told me to  
16 and...

17 Q. Mm-hmm.

18 A. Since I don't know (unintelligible).

19 Q. So tell me what he told you.

20 A. He was like he had to give him two 'cause niggas be snitching,  
21 something, something. That's all I know.

22 Q. They be snitching on who?

23 A. Oh. They snitched on my Big Block niggas, man.

24 Q. Big Block niggas? All right. Is that what he said?

25 A. (Unintelligible.)

26 Q. (Unintelligible)?

27 A. And I'm like how - - you don't even know them or nothing. So I'm  
28 like I'm not - - I really didn't believe him at first. So they said to my mama saying



1 he was on the news. That's when I really - - like, man, I really got to get on.

2 Q. Did he tell you he got paid for it?

3 A. No. That's what I knew you-all trying to get out of me. He didn't say  
4 none of that like that.

5 Q. Okay. Did he tell you why he did it?

6 A. I don't know why he did it or nothing.

7 Q. Okay.

8 (PAUSE)

9 [Clip Five]

10 Q. All right. So did he - - did he tell you what he did after he shot uh, - -  
11 shot, uh - -

12 A. He didn't tell me where he went or nothing like. He just kept it brief,  
13 like telling me like, you know, like (unintelligible). You know how that go. He  
14 ain't really explain like. Man, 'cause I - - I wasn't trying to ask him really. I  
15 wasn't into (unintelligible).

16 Q. Did he talk about any other - - shooting anybody else?

17 A. He never talked about. This the first thing I knew.

18 (PAUSE)

19 [Clip Six]

20 Q. Let me ask you this. Did he talk about - - he talked about how the  
21 thing went down with Ray. He talked about those girls, right?

22 A. Yeah. (Unintelligible) he just said - - when he first said it's like he  
23 was in the car with some girls, man. He hopped out. Said what's up to everybody.  
24 He hugged Craig G he said. And, umm, that's when it happened.

25 Q. Did he say anything more about the girls?

26 A. Did not say nothing more. That's all he said.

27 (PAUSE)

28 [Clip Seven]

1 April 10, 2009

2 Q. Look, we've covered a lot of ground before. We've got it on tape. So  
3 that, you know, I wanted to talk to you just to make sure that we covered this  
4 area. I've asked you a lot of questions, yesterday and today.

5 Is there anything that you need to tell me that you haven't told me before?

6 A. No. That's what you asked me yesterday. I'm gonna tell you everything  
7 that you need to know that I know.

8 Q. Okay. And you're doing this of your own free will?

9 A. Yeah.

10 Q. Okay. I read you your rights before. You understand your rights?

11 A. Yeah.

12 Q. Okay. And I've promised you nothing.

13 A. No.

14 Q. Okay. All right. I'm gonna go ahead and conclude our interview. Okay.  
15 This is end of tape.

16 The ending time is --

17 A. (Unintelligible) --

18 Q. -- 10:40 hours.

19 A. (Unintelligible) will I be ch- --

20

21

22

23

24

25

26

27

28

# EXHIBIT B

***U.S. v. Dennis Cyrus Jr***

Case # 05-CR-00324 MMC

EXH # B TO STIP & PROPOSED

ORDER SUPPLEMENTING RECORD



Sensitive but  
Unclassified

7 clips & text  
from 9/14/02  
McQuillion  
Interview  
Shown to jury  
on 4/8/09 &  
4/9/09

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